

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Aladar A. Szalay et al.

Art Unit : 1645

Serial No.: 10/516,785

Examiner: Unknown

Filed

: December 03, 2004

Confirm. No.: 7336

Customer No.: 20985

Title

: Light emitting microorganisms and cells for diagnosis and therapy of diseases

associated with wounded or inflamed tissue

Mail Stop: Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Form PTO-1449 (10 pages) and cited references for filing in connection with the above-captioned application. Because this Supplemental Information Disclosure Statement is filed prior to receipt of a first Office Action on the merits for the above-captioned application, a fee for filing this statement should not be due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No, 06-1050, as stated below:

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The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully/submitted,

Stephanie L. **Seidman**

Reg. No. 33,779

Dated: August 03, 2005

Attorney Docket No. 17248-004US1 / 4804US

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Attorney's Docket No.: 17248-004US1 / 4804US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98

Because this Supplemental Information Disclosure Statement is filed before the receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Forms PTO-1449 (10 pages) and copies of the cited non U.S. Patent documents are provided herewith.

The documents cited on the Forms PTO-1449 are in the English language, with the exception of items noted below. Item Q (Aksac et al.) is in the Italian language and an English translation of the abstract will be sent under separate cover; Item R (Al'tshtein et al.) is in the Russian language and a complete English translation will be sent under separate cover; Item CC (Feng et al.) is in the Chinese language and includes an English language abstract on the last page of the article; Item DH (Ketlinsky et al.) is in the Russian language and includes an English language abstract on the last page of the article; Item ET (Pekhov et al.) is in the Russian language and includes an English abstract on the last page of the article; and Item FF (Shimizu et al.) is in the Japanese language and includes an English summary on the second page of the article. Further, Item BM is the certified English translation of Timiriasova et al., which was previously submitted as Item FT in the Supplemental

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Information Disclosure Statement mailed on July 25, 2005. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and they be made of record in the file history of the above-captioned application.

Respectfully, submitted,

Stephanie Seidman Reg. No 33,779

Dated: August 03, 2005

Attorney Docket No. .: 17248-004US1 / 4804US

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Substitute Form PTO-1449 (Modified)

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Number

U.S. Department of Commerce Patent and Trademark Office AUG 0 4 2005

Attorney's Docket No. 17248-004US1/4804US Application No. 10/516,785

Applicant

Szalay et al. List of Patents and Publications for Applicant's Information Fisches Statement

Filing Date

December 3, 2004

Group Art Unit 1645

(37 CFR §1.98(b))

Examiner

Initial

U.S. Patent Documents					
Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate	
02/10/05	Szalay et al.	424	199.1	06/18/04	
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	G.	EP 1 512 746/	03/09/2005	EP				
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	I.	WO 00/73479 /	12/07/2000	PCT				
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Examiner Signature

Date Considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Application No. Substitute Form PTO-1449 U.S. Department of Commerce Attorney's Docket No. (Modified) Patent and Trademark Office 17248-004US1/4804US 10/516,785 Applicant Szalay et al. List of Patents and Publications for Applicant's Filing Date Group Art Unit **Information Disclosure Statement** December 3, 2004 1645 (37 CFR §1.98(b)) Other Documents (include Author, Title, Date, and Place of Publication) Examiner ID Document Initial Arab et al., "Verotoxin induces apoptosis and the complete, rapid, long-term elimination of human U. astrocytoma xenografts in nude mice," Oncol Res. 11(1):33-9 (1999) Arakawa et al., "Clinical trial of attenuated vaccinia virus AS strain in the treatment of advanced V. adenocarcinoma. Report on two cases," J Cancer Res Clin Oncol. 113(1):95-8 (1987) ATCC Accession No. 11842 W. ATCC Accession No. 11863 X. ATCC Accession No. 13124 Y. ATCC Accession No. 15696 Z. ATCC Accession No. 15697 AA. ATCC Accession No. 15707 AB. ATCC Accession No. 15955 AC. ATCC Accession No. 17583 AD. ATCC Accession No. 17836 AE. ATCC Accession No. 19401 AF. ATCC Accession No. 19402 AG. ATCC Accession No. 19404 AH. ATCC Accession No. 25527 AI. ATCC Accession No. 25752 AJ. ATCC Accession No. 25923 AK. ATCC Accession No. 27337 AL. ATCC Accession No. 27555 AM. ATCC Accession No. 29212 AN. ATCC Accession No. 35782 AO. ATCC Accession No. 3624 AP. ATCC Accession No. 37253 AQ. ATCC Accession No. 393 AR. ATCC Accession No. 43142 AS. ATCC Accession No. 47054 AT. ATCC Accession No. 51299 AU. Date Considered **Examiner Signature** EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute Form PTO-1449 U.S. Department of Commerce Patent and Trademark Office List of Patents and Publications for Applicant's Information Disclosure Statement		Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785			
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Examiner Initial	Desig. ID		Document			
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Substitute For (Modified)	m PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785		
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				Sheet <u>6</u> of <u>10</u>	
Substitute For (Modified)	n PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785	
List of Patents and Publications for Applicant's			Applicant Szalay et al.		
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Initial	ID	Document			
	DE.	Kato et al., "Correlation between increase in Ia-bearing macrophages and induction of T cell-dependent antitumor activity by <i>Lactobacillus casei</i> in mice," Cancer Immunol Immunother. 26(3):215-21 (1988)			
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	DE.	Kato et al., "Correlation between increase in Ia-bearing macrophages and induction of T cell-dependent antitumor activity by <i>Lactobacillus casei</i> in mice," Cancer Immunol Immunother. 26(3):215-21 (1988)
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Substitute Form PTO-1449 (Modified) U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 17248-004US1/4804US	Application No. 10/516,785		
List of Patents and Publications for Applicant's Information Disclosure Statement		Applicant Szalay et al.			
		Filing Date December 3, 2004	Group Art Unit 1645		
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